

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPEALALTE SIDE

WRIT PETITION NO.4505 OF 2006

M/s.Ummedmal Prejraj & Anr. ...Petitioners.

Vs.

Dinesh Purshottam & Ors. ...Respondents.

.....

Mr.P.K.Dhakephalkar with Mr.N.P.Shimpi for the
Petitioners.

Mr.P.S. Dani for the Respondents.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

July 19, 2006.

P.C. :

The petition was argued yesterday and was placed for orders this morning. Before the judgment is dictated, Counsel for the parties are agreed that the impugned order of the Appellate Bench of the Court of Small Causes dated 24th March 2006 be quashed and set aside by consent and without the recording of any reasons by this Court. Parties have jointly prayed before the Court that

the proceedings may be remanded back to the Court of Small Causes for fresh determination. Accordingly, the impugned order dated 24th March 2006 in Appeal No.382 of 2005 in RAE Suit No.317/961 of 1988 is quashed and set aside. The appeal is restored to the file of the Appellate Bench of the Court of Small Causes. Parties shall appear before the Appellate Bench for receiving directions on 7th August 2006. The Court of Small Causes shall endeavour an expeditious disposal preferably within a period of six months from the date when the parties appear before the Appellate Bench.

Mr.Dani, Learned Counsel appearing for the Respondents states that the Respondents who are present in Court agree to the aforesaid direction.

The Petition is disposed of in these terms since no other point is raised.

....